

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOEL VALERA,

Petitioner,

v.

PEOPLE OF THE STATE OF  
CALIFORNIA,

Respondent.

No. 1:22-cv-00852-ADA-CDB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS DISMISSING  
WITHOUT PREJUDICE PETITIONER'S  
PETITION FOR WRIT OF HABEAS CORPUS

(ECF No. 13)

Petitioner Joel Valera is a state prisoner proceeding *pro se* and *in forma pauperis* with a petition for writ of habeas corpus under 28 U.S.C. § 2254. (ECF No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 2, 2022, the assigned Magistrate Judge determined the petition failed to name a proper respondent, to show exhaustion of state remedies, and to show the petition was within the applicable statute of limitations; the Court ordered Petitioner to file an amended petition curing the deficiencies. (ECF No. 9.) On November 23, 2022, Petitioner filed the amended petition. (ECF No. 10.) Upon review of the amended petition on December 19, 2022, the assigned Magistrate Judge determined it failed to cure all stated deficiencies and issued an order to show cause why the petition should not be dismissed. (ECF No. 11.) The Magistrate

1 Judge cautioned Petitioner that failure to comply may result in an order of dismissal or a  
2 recommendation that the petition be dismissed pursuant to Local Rule 110. (*Id.* at 2–3.)  
3 Petitioner did not respond. On February 9, 2023, the assigned Magistrate Judge issued an order  
4 providing Petitioner an additional 30 days to respond to the order to show cause. (ECF No. 12.)  
5 Petitioner did not respond.<sup>1</sup>

6 On March 16, 2023, the assigned Magistrate Judge issued findings and recommendations  
7 recommending that this action be dismissed without prejudice for failure to prosecute and failure  
8 to comply with a court order. (ECF No. 13.) The findings and recommendations were served on  
9 Petitioner and contained notice that any objections thereto were to be filed within twenty-one (21)  
10 days of service. (*Id.*) Petitioner did not file objections, and the deadline to do so has passed.

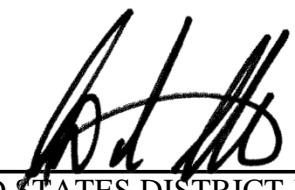
11 Pursuant to 28 U.S.C. § 636(b)(1)(C), and Local Rule 304, this Court conducted a *de novo*  
12 review of this case. Having carefully reviewed the entire matter, this Court concludes the  
13 findings and recommendations are supported by the record and by proper analysis.

14 Accordingly,

- 15 1. The findings and recommendations issued on March 16, 2023 (ECF No. 13), are adopted
- 16 in full;
- 17 2. The petition (ECF No. 1) is dismissed without prejudice; and
- 18 3. The Clerk of Court is directed to close this case.

19  
20  
21 IT IS SO ORDERED.

22 Dated: May 30, 2023

  
UNITED STATES DISTRICT JUDGE

23  
24  
25  
26  
27  
28 <sup>1</sup> On February 3, 2023, the assigned Magistrate Judge received notice Petitioner’s address changed pursuant to a new case Petitioner filed on January 31, 2023. *See* Docket. Petitioner did not file a Notice of Change of Address with this Court as is required by Local Rule 182(f).